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EXAMINER

PAN, YUWEN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,788

Applicant(s)

DELMULLE ET AL.

Examiner

Yuwen Pan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-17, 20-22 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 17, 20-22, 25-31 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 32, 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, and 7-18, 20-22, 24-38 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific asserted utility or a well established utility.

The original disclosure doesn't support that a computer program product can be or may be performed by various combinations of software and hardware.

Claim 34 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 18 and 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Pabla (US 20040064693A1).

Per claim 18, Pabla discloses a method comprising teaches a peer-to-peer network with distributed index network system (figure 1B), and a buddy list type notification in chat application is introduced as one node of network holding a list of identifiers in the distributed index and once listed identifier joins the chat, the node would be notified by the notification service (see paragraph 92-94).

Same arguments apply, mutatis mutandis, to claim 38.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7-14, 17, 20-22, 25-31, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ollis et al (US006999721B2) in view of Pabla et al (US 20040064693A1).

Per claim 1, Ollis discloses a user device (figure 1) for wireless cellular communication including user interface (101), a multi-wireless protocols interface directly connection to the user device (figure 2), and a short-range transceiver (item 211) for wirelessly communicating with short-range transceivers of peer devices, for receiving from another communication device

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information including an identifier indicating the other communication device (see column 5 and lines 56-column 6 and lines 10), an annunciator, for alerting a user to the occurrence of an event (see column 8 and line 3-17).

Ollis doesn't teach that a buddy list data store, for holding a list of identifiers, with the list organized as records so as to be able to retrieve a record based on the identifier; and a buddy detector application, responsive to the information including the identifier indicating the other communication device, for providing to the annunciator a control signal actuating the annunciator if and only if the identifier is included in the buddy list data store.

Pabla teaches a peer-to-peer network with distributed index network system (figure 1B), and a buddy list type notification in chat application is introduced as one node of network holding a list of identifiers in the distributed index and once listed identifier joins the chat, the node would be notified by the notification service (see paragraph 92-94).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Pabla with Ollis device such that it provides mobility and enhanced connect ability to each individual peer.

Same arguments apply, *mutatis mutandis*, to claim 35.

Per claim 2, Ollis further teaches that the user interface is operative in combination with the multi-wireless protocols interface (see column 2 and lines 14-25).

Same arguments apply, *mutatis mutandis*, to claim 19.

Per claim 3, Ollis further teaches that one of the wireless protocols is BLUETOOTH (see figure 2).

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Same arguments apply, *mutatis mutandis*, to claim 20.

Per claim 4, Ollis further teaches that the user device communicate either with BLUETOOTH or Infrared (figure 2).

Same arguments apply, *mutatis mutandis*, to claim 21.

Per claim 5, Ollis further teaches that the user device further comprising a wireless protocol such as IEEE 802.11b in which has wider coverage than either BLUETOOTH or Infrared standard (see column 1 and lines 40-50).

Same arguments apply, *mutatis mutandis*, to claim 22, 36, and 37.

Per claim 7, Ollis further teaches that the identifier is an identifier of a short-range transceiver associated with the predetermined buddy (see figure 5).

Per claim 8, Ollis further teaches that the buddy identifier is a nickname of the predetermined buddy (see figure 5 and 6).

Same arguments apply, *mutatis mutandis*, to claim 25.

Per claim 9, Pabla further teaches that information indicating the other peer is displayed to a user via a user interface of the user equipment device (see paragraph 138).

Per claim 10, Pabla further teaches scatternet in which connects all the piconets and expanding the coverage of short-range transceivers, in which route information according to the destination of the information (see figure 4 and 34, paragraph 72).

Per claims 11-13, Pabla discloses an analogous art as recited in claim 1. Pabla further teaches central processor for controlling all the operations and application programs (see column 8 and lines 3-17). Pabla doesn't teaches such process to present the request to a user via the user interface, to signal the user response to the request, to receive command signal indicating commands to cause one or another of various available stimuli sensations via visual and audible. Although Pabla teaches The examiner takes an "Office Notice" that is notoriously well known in the art to assign different color light emitting to different phone numbers so when the corresponding incoming calls the corresponding color of light would emit or same for hearing, the user could assign different ring tones. It would have been obvious to one ordinary skill in the art at the time the invention was made to combine such teaching with Pabla such that it would enhance the using features and more user friendly.

Same arguments apply, *mutatis mutandis*, to claim 28-30.

Per claim 14, Ollis further teaches that its invention applicable to PC, PDA, etc. (see column 4 and lines 33-47). The users would be able to send and receiving data information via one of wireless transfer mechanism (see column 5 and lines 24-36). Although Ollis doesn't expressly teach that user's web page is transmitted among user devices. It would have been obvious to one ordinary skill in the art to have such feature for users to easily delivering personal information over PAN.

Same arguments apply, *mutatis mutandis*, to claim 31.

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Per claim 17, Pabla further teaches that the user device is within a radio access network (see paragraph 125).

Allowable Subject Matter

8. Claims 15, 16 and 32, 33 are allowed.

Prior art of record doesn't expressly teach that phone numbers of a user phone list are kept secret from the user, but the user could call other based on the nick name associated with the phone number.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yuwen Pan
September 29, 2006


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER